

REMARKS

Applicants' attorney thanks the Examiner for her comments. Independent Claims 1, 24 and 25 have been amended to recite that the adhesive composition comprises at least about 80% combined weight of an amorphous poly-alpha-olefin and a tackifier, and zero to about 20% combined weight of one or more additives selected from the group consisting of color pigments, fragrances, fillers, block copolymer compatibilizers, waxes, and oils. Both claims require the amorphous poly-alpha-olefin, tackifier, and one or more additives to constitute about 100% by weight of the adhesive composition.

As explained on p. 11, lines 7-26 of the specification, the adhesive composition may consist wholly or essentially of amorphous poly-alpha-olefin ("APAO") and tackifier, with a minor amount of antioxidant, or may include one or more additives in an amount of about 20% by weight or less. This passage supports the claim limitation calling for at least about 80% combined weight of amorphous poly-alpha-olefin and tackifier, and zero to about 20% combined weight of the one or more additives. Also, it is clear from this passage that the amorphous poly-alpha-olefin, tackifier and one or more additives constitute about 100% by weight of the adhesive composition. See also p. 29, line 29 – p. 30, line 7.

a) Claim Rejections Based on Zhou

The rejection of Claims 1-6, 9-25, 32, 33 and 35-37 under 35 U.S.C. § 102(b) as anticipated by U.S. Publication 2002/0124956 (Zhou) is respectfully traversed.

Zhou discloses a hot melt pressure-sensitive adhesive including amorphous poly-alpha-olefin and crystalline polypropylene. The crystalline polypropylene is an important component, and suitably constitutes about 10-30% by weight of the adhesive composition (p. 4, par. 40). The crystalline polypropylene is suitably isotactic polypropylene, syndiotactic polypropylene, or a combination of both (p. 4, par. 38). Tackifiers are also mentioned (p.1, par. 8).

As to independent Claims 1, 24 and 25, Zhou does not disclose an adhesive composition comprising at least about 80% combined weight of an amorphous poly-alpha-olefin and a tackifier, and zero to about 20% combined weight of one or more of the recited additives, wherein the amorphous poly-alpha-olefin, tackifier and one or more additives together constitute about 100% by weight of the adhesive composition. Crystalline polypropylene does not fall within the claimed Markush group for additives. An adhesive containing about 10-30% crystalline polypropylene, as recited in Zhou, falls outside Applicants' Claims 1, 24, and 25, and does not anticipate the claims.

As to independent Claim 25, Zhou does not disclose a C5 hydrocarbon tackifier as required by the claim. Applicants' specification lists exemplary C5 hydrocarbon tackifiers including hydrogenated resins derived from isoprene or dicyclopentadiene (p. 10 lines 12-14). Zhou does not disclose any such tackifier, and does not anticipate Claim 25 for this additional reason.

Claims 2-6, 9-23, 32, 33 and 35-37 depend from Claim 1, and are patentable for at least the same reasons. The rejection under 35 U.S.C. § 102(b) should be withdrawn.

b) Claim Rejections Based on Wang et al

The rejection of Claims 1-25 and 32-37 under 35 U.S.C. § 102(e) as anticipated by U.S. Publication 2003/0096896 ("Wang et al") is respectfully traversed.

Wang et al discloses an adhesive composition including essential amounts of syndiotactic polypropylene, amorphous poly-alpha-olefin and tackifier, and optional additional ingredients (Abstract; p. 3, par. 24; Examples 4-8). As to Applicants' Claims 1, 24 and 25, Wang et al does not disclose an adhesive composition comprising at least 80% combined weight of an amorphous poly-alpha-olefin and a tackifier, and zero to about 20% combined weight of one or more of the recited additives, wherein the amorphous poly-alpha-olefin, tackifier and one or more additives together constitute about 100% by weight of the adhesive composition. Syndiotactic polypropylene does not fall within the claimed Markush group for additives. An adhesive containing significant and essential amounts of syndiotactic polypropylene, as recited in Wang et al, falls outside Applicants' Claims 1, 24, and 25, and does not anticipate the claims.

Claims 2-23 and 32-37 depend from Claim 1, and are patentable for at least the same reasons. The rejection under 35 U.S.C. § 102(e) should be withdrawn.

c) Claims based on Zhou in View of Wang et al

The rejection of Claims 7 and 8 under 35 U.S.C. § 103(a) as obvious over Zhou in view of Wang et al is respectfully traversed. As explained above, neither reference discloses or suggests the limitations of Claim 1, from which Claims 7 and 8 depend. Neither reference discloses an adhesive composition comprising at least about 80% combined weight of an amorphous poly-alpha-olefin and a tackifier, and zero to about 20% combined weight of one or more of the recited additives, wherein the amorphous poly-alpha-olefin, tackifier and one or more additives together constitute about 100% by weight of the adhesive composition. The rejection under 35 U.S.C. § 103(a) should be withdrawn.

d) Claim Rejections Based on Double Patenting

The rejection of Claims 1-25 and 32-37 based on obviousness-type double patenting over Claims 1-15 of U.S. Patent 6,657,009 (Zhou) in view of Wang et al, is respectfully traversed. Claims 1-15 of the Zhou patent recite an adhesive composition comprising about 10-30% by weight crystalline polypropylene. As explained above, Wang et al discloses an adhesive containing significant and essential amounts of syndiotactic polypropylene. Neither reference, alone or in combination, discloses or suggests an adhesive composition comprising at least 80% combined weight of an amorphous poly-alpha-olefin and a tackifier, and zero to about 20% by weight of one or more additives recited in the Markush group of Claim 1, 24 or 25, wherein the amorphous poly-alpha-olefin, tackifier and additives together constitute about 100% by weight of the adhesive composition.

Crystalline polypropylene and syndiotactic polypropylene, as disclosed in the references, are outside the scope of the claimed Markush group of additives. The double patenting rejection should be withdrawn.

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e) Conclusion

Applicants believe the claims, as now presented, are in condition for allowance. If the Examiner detects any unresolved issues, then Applicants' attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



Maxwell J. Petersen
Registration No. 32,772

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403